

REMARKS

Claims 9, 12-22, 24-31, 34-44, 46-52, 61 and 63, as amended, and new claims 64 and 65 are pending in this application for the Examiner's review and consideration. Claim 9 has been amended to include the subject matter of claim 23, which has been canceled. Likewise, claim 31 has been amended to include the subject matter of claim 45, which has also been canceled. In addition, claims 1-8 and 62 have been canceled without prejudice. Claims 29 and 48-51 have been amended to correct typographical errors, support for which is found in the specification, e.g., paragraphs [0030] and [0043] of the published application. New claims 64 and 65, dependent ultimately from claim 31, are drawn to preferred embodiments, and are supported by the specification, e.g., paragraphs [0042]-[0050] and [0063], respectively, of the published application. As no new matter has been introduced by any one of these changes, they should all be entered at this time.

Claims 1-4, 9, 12-18, 21, 27-28, 31, 34-40, 49-50 and 61-62 have been rejected under 35 U.S.C. 102(b) as allegedly being anticipated by European patent application publication no. EP 271,909 (referred to hereinafter as "EP '909"). Applicants respectfully disagree.

EP '909 relates to a triglyceride composition useful as an active ingredient of nutrient infusions, and agents for preventing and treating arteriosclerosis or hyperlipemia. Without acquiescing to the correctness of the rejection and solely for the purpose of advancing the prosecution of the present application, claims 9 and 31 have been amended to incorporate in substance features from claims that are not rejected over EP '909, i.e., claims 23 and 45, respectively. Thus, claim 9 and its dependent claims 12-22 and 24-30, and claim 31 and its dependent claims 34-44, 46-52, 61 and 63, as well as new claims 64 and 65, are also patentable over EP '909. Moreover, claims 1-8 and 62 have been canceled. Therefore, the rejection has been overcome and should be withdrawn.

Claims 5-9, 12-15, 31, 34-38, 43-44, 49 and 61-62 have been rejected under 35 U.S.C. 102(b) as allegedly being anticipated by European patent application publication no. EP 265,699 (referred to hereinafter as "EP '699"). Applicants respectfully disagree.

EP '699 relates to fats and oils having a superior digestibility and absorptivity, which fats and oils are composed of a triglyceride having a C8 to C14 fatty acid residue at the 2-position of the triglyceride and residues of C18 or higher fatty acids at the 1- and 3-positions thereof,

examples of the C18 or higher fatty acids being linolic acid, linolenic acid, arachidonic acid, eicosapentenoic acid, and docosahexenoic acid.

Without acquiescing to the correctness of the rejection and solely for the purpose of advancing the prosecution of the present application, claims 9 and 31 have been amended to incorporate inn substance features from claims that are not rejected over EP '699, i.e., claims 23 and 45, respectively. Thus, claim 9 and its dependent claims 12-22 and 24-30, and claim 31 and its dependent claims 34-44, 46-52, 61 and 63, as well as new claims 64 and 65, are also patentable over EP '699. Moreover, claims 1-8 and 62 have been canceled. Therefore, the rejection has been overcome and should be withdrawn.

Claims 1-4, 9, 12, 21-22, 27-28, 31, 34-40, 49-50 and 61-62 have been rejected under 35 U.S.C. 102(b) as allegedly being anticipated by European patent application publication no. EP 965,578 (referred to hereinafter as "EP '578"). Applicants respectfully disagree.

EP '578 relates to a triglyceride and a composition containing that triglyceride having a triglyceride structure of the human breast milk type, which triglyceride has a saturated fatty acid having 16-18 carbon atoms at the position 2, at the position 1 and/or 3; which is and at least one ω -6, ω -9 or ω -3 unsaturated fatty acid manufactured by subjecting a glyceride in which a saturated fatty acid having 16 to 18 carbon atoms is bonded at position 2 to transesterification using a lipase and a ω -6, ω -9 or ω -3 unsaturated fatty acid.

Without acquiescing to the correctness of the rejection and solely for the purpose of advancing the prosecution of the present application, claims 9 and 31 have been amended to incorporate in substance features from claims that are not rejected over EP '578, i.e., claims 23 and 45, respectively. Thus, claim 9 and its dependent claims 12-22 and 24-30, and claim 31 and its dependent claims 34-44, 46-52, 61 and 63, as well as new claims 64 and 65, are also patentable over EP '578. Moreover, claims 1-8 and 62 have been canceled. Therefore, the rejection has been overcome and should be withdrawn.

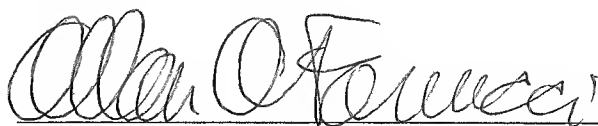
Claims 19-20, 23-26, 29-30, 41-42, 45-48, 51-52, and 63 have been objected to as allegedly being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As explained above, the base claims, i.e., claims 9 and 31, which claims 19-20, 23-26, 29-30, 41-42, 45-48, 51-52, and 63 depend from, respectively, are now allowable. Therefore, the objection has been overcome and should be withdrawn.

In view of the above, it is respectfully submitted that all current rejections have been overcome and should be withdrawn. Accordingly, the entire application is believed to be in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of this application.

Respectfully submitted,

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Date



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